

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LUIS YELLOWOWL-BURDEAU,

Plaintiff,

v.

CITY OF TUKWILA, d/b/a TUKWILA
POLICE DEPARTMENT, a local
governmental entity, JAMES STURGILL,
an individual, and MIKE BOEHMER, an
individual,

Defendants.

No.

NOTICE OF REMOVAL

(KING COUNTY SUPERIOR COURT,
CAUSE NO. 15-2-27119-9 KNT)

Pursuant to 28 U.S.C. § 1443, and 28 U.S.C. § 1446, Defendants CITY OF TUKWILA, JAMES STURGILL and MIKE BOEHMER hereby remove the above-entitled action to the United States District Court for the Western District of Washington at Seattle. Defendants' state:

1. The above-entitled action was filed in the Superior Court of KING County, Cause No. 15-2-27119-9 KNT. A true and correct copy of the Amended Complaint is attached as Exhibit A.

2. Jurisdiction of this Court is based on 28 U.S.C. § 1331, 28 U.S.C. § 1343, 28 U.S.C. § 1367, 28 U.S.C. § 1441, and/or 28 U.S.C. § 1443.

3. Plaintiff's various claims seek damages for excessive force and *Monell* claims under 42 U.S.C. § 1983. Therefore, removal jurisdiction exists because Plaintiff's

1 claims present a federal question.

2 4. Plaintiff originally filed this matter in King County Superior Court on Prior
3 to October 10, 2016, Plaintiff's lawsuit featured purely state law causes of action (*i.e.*,
4 negligence-based claims). On October 10, 2016, and upon leave to amend granted by the
5 state court, Plaintiff filed an amended complaint that added numerous federal causes of
6 action against all Defendants, which prompted Defendants to remove this matter to federal
7 court.

8 5. Pursuant to 28 U.S.C. §1446(a), true and correct copies of all pleadings
9 previously served on Defendants are attached to counsel's verification.

10 6. Defendants reserve any and all affirmative defenses, including but not
11 limited to insufficient service of process.

12 DATED: October 18, 2016

13
14 KEATING, BUCKLIN & McCORMACK,
15 INC., P.S.

16 By: /s/ Richard B. Jolley
17 Richard B. Jolley, WSBA #23473
18 Amanda Butler, WSBA #40473
19 Attorneys for Defendant City of Tukwila d/b/a
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27

CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Attorneys for Plaintiff

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and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

N/A

DATED: October 18, 2016

/s/ Christine Jensen Linder

Christine Jensen Linder, Legal Assistant
Email: clinder@kbmlawyers.com